

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Notice of amended application

DENNIS A. ELLIOTT

✓ Petitioner
appellant

FAMILY COURT OF DELAWARE

~~Ben-~~ Bidew III, ATTORNEY

GENERAL of STATE OF DELAWARE

EARL DANBURG, Commiss

TABLE OF CORRECTIONS STATE

OF DELAWARE Bianco,

~~WARDEN~~ WARDEN, CENTRAL

MAP CENTER, SMYRNA, DEL

Respondents



BP scanned

Now Here Comes, DENNIS A. ELLIOTT given
notice of petition for a writ of habeas
corpus in U.S. District Court, for the District
of Delaware upon the above named Respondents.

1. Original filing facts
 2. Documentation of facts /
Dated 12-09-07
 3. Conclusion of facts
Dated 12-14-07
- End of petition:

Dennis A. Elliott Prof^r

12-14-07

Appellant brings forth the conclusion of facts to support his petition of writ of Habeas Corpus,

I. Appellant claims that his repeated court ^{appearances} ~~appearances~~ over the past 20 yrs, for these same reasons, by not conforming to any authorized limits, violates the double jeopardy clause, 5th U.S.C.A. Brittingham v State 705 A.2d 577 (Del. 1998)

II That his sentence is based upon material misapprehension of fact which places the matter in a "dramatically different light" is constitutional defective. Bailly v State 459 A.2d 531 (Del. 1983)

III Appellant claims that his sentence is in violation of Delaware's own Supreme Court ruling in "Gamble v State" supra 728 A.2d 1171 1172 (1999) where that Honorable Court ruled its opinion, "Level 5 Service Requires level 5 credit."

Appellant states that his sentence does not any such allowance as required under Gamble and further states that the Family Court of Delaware is violating its own ~~sup~~ Supreme Court ruling, with such a sentence.

(1) As where other inmates with ~~similar~~ ^{similar} sentences enjoy time credit on their sentences under Gamble, appellant cannot, as for his sentence has no fixed time limit to applied such credit. In violation a his 14th Amend. Equal Protection Clause U.S.C.A.

IV Under Delaware's goodtime credit as provided by 11 Del. C § 4381 (B) (2) and support by Delaware's Sentencing Statement of Policies # 30.

(1) That his sentence excludes him from these time ~~received~~ ^{received} credit allowances afforded other inmates depriving him Equal Protection, 14th U.S.C.A. By having an indefinite sentence: with no time frames. (Sentenced)

IV
(2) Appellant claims that his level IV portion of his sentence as stated within Senton Policy #30 Del. individual sentence to level IV (any variation) who must serve a term at level V awaiting placement a level IV shall during time served. Levels be awarded goodtime pursuant to 11 Del S 4381 (B)(2)

(3) Appellant states this is clearly a violation of his Equal Protection of the 14th Amend. as others (with sentence timeframes) enjoy these credits, his sentence doesn't allow them as required, allowed.

(4) Thus by being denied any variation for time reduction thru credits, that a indefinite sentence stops the due process a violation of his 14th Amend due process.

Humbly this concludes Appellants grounds and arguments for this petition of Writ of Habeas Corpus. Please proceed with your ruling on this sentence

Respectfully yours

IM PERVITS A. ENO

SBI# 120-206 UNIT 1-22

CENTRAL VIOLATION CENTER

P.O. BOX 5003

SMYRNA, DELAWARE 19977-5003



United States District Ct.
844 W. King Street, Rockford

Wilmer, Del.

19801-3870

1:07 PM 12-20-06

